

21 C.J.S. Courts § 259

Corpus Juris Secundum | May 2023 Update

Courts

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VIII. Concurrent and Conflicting Jurisdiction

A. Courts of Same State

1. In General

§ 259. Review of judgments of court of concurrent or coordinate jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#) 481

The jurisdiction of a court does not extend to the review of the decisions and judgment of another court of concurrent or coordinate jurisdiction unless specifically provided by statute or rule.

Unless specifically provided by statute or rule,¹ the jurisdiction of a court does not extend to review of the decisions and judgment of another court of concurrent or coordinate jurisdiction.² Because all district courts are of equal stature, a district court may not assume the authority or power to superintend or review the propriety of or supervise the judgment of another district court.³ Rather, a judgment or decree rendered by a court of competent jurisdiction and not void on its face may be modified, annulled, vacated, or set aside only by the court which rendered it or by a court exercising appellate jurisdiction.⁴

Criminal proceedings.

Generally, a civil court has no authority to review the acts of a criminal court.⁵ On the other hand, a court in which a criminal proceeding is heard has equitable jurisdiction to hear a motion for return of property under a statute providing for the return of property determined to have been unlawfully seized after there has been a default judgment in a civil forfeiture proceeding.⁶ The reasoning is that in the unique situation of forfeitures, when the same district attorney's office is proceeding on both the criminal case and the forfeiture proceeding, the court can exercise its jurisdiction by exercising its inherent authority over those who are the officers of the court.⁷

While one court may be empowered to determine the constitutionality of a prior conviction rendered by another court in another jurisdiction within the state, it would not have the power to vacate or set aside the conviction in that other court.⁸

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Footnotes

1 W. Va.—[State ex rel. Bell & Bands, PLLC v. Kaufman](#), 213 W. Va. 718, 584 S.E.2d 574 (2003).

2 Kan.—[Smith v. State](#), 264 Kan. 348, 955 P.2d 1293 (1998).

Nev.—[Maiola v. State](#), 120 Nev. 671, 99 P.3d 227 (2004).

Award of costs

Even if there is error in the appellate department's award of costs, the municipal court is not the forum in which to seek relief.

Cal.—[Bakkebo v. Municipal Court](#), 124 Cal. App. 3d 229, 177 Cal. Rptr. 239 (2d Dist. 1981).

Modification of conservatorship

A divorce decree is void insofar as it purports to modify the conservatorship of a child where the record contains no transfer of the modification action from the court originally appointing the child's conservator.

Tex.—[Ortiz v. Aranda](#), 716 S.W.2d 692 (Tex. App. Corpus Christi 1986).

3 Colo.—[People v. Maser](#), 2012 CO 41, 278 P.3d 361 (Colo. 2012).

4 Colo.—[Pipkin v. Brittain](#), 713 P.2d 1358 (Colo. App. 1985).

Fla.—[In re Benner's Guardianship](#), 427 So. 2d 1086 (Fla. 1st DCA 1983).

Ga.—[Loveless v. Conner](#), 254 Ga. 663, 333 S.E.2d 586 (1985).

5 La.—[Connick v. Ward](#), 351 So. 2d 250 (La. Ct. App. 4th Cir. 1977).

6 Nev.—[Maiola v. State](#), 120 Nev. 671, 99 P.3d 227 (2004).

7 Nev.—[Maiola v. State](#), 120 Nev. 671, 99 P.3d 227 (2004).

8 Cal.—[Ganyo v. Municipal Court](#), 80 Cal. App. 3d 522, 145 Cal. Rptr. 636 (5th Dist. 1978).

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